

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

CHARLES SMITH (# 78308)

PLAINTIFF

v.

No. 4:08CV98-P-A

ROBERT SCOTT, ET AL,

DEFENDANTS

ORDER

This matter is before the court, *sua sponte*, for consideration of dismissal. The *pro se* prisoner plaintiff, an inmate at the South Mississippi Correctional Institution, has submitted a complaint which he wishes to file pursuant to 42 U.S.C. § 1983. The complaint alleges that he has been wrongfully found guilty of several prison rule violations.

The Prison Litigation Reform Act was enacted in April 1996. This Act provides, inter alia, at 28 U.S.C. § 1915(g)

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

On May 30, 2003, this court dismissed *Smith v. Bearry*, 4:03CV267-D-A, for failure to state a claim upon which relief could be granted. On September 9, 2003, *Smith v. Bearry*, 4:03CV353-P-A, was dismissed by this court as frivolous. This court, on September 24, 2002, dismissed *Smith v. Johnson*, 4:02CV75-M-B as frivolous. Therefore, the plaintiff has accumulated three strikes and has been an abuser of his *in forma pauperis* privileges.

It is therefore **ORDERED**:

1. That the instant motion to proceed *in forma pauperis* is hereby **DENIED**.
2. That the instant case is hereby **DISMISSED**
3. That under 28 U.S.C. § 1915(g), the plaintiff is barred from filing any future *pro se in forma pauperis* complaints without permission of one of the judges of the court.

This, the 5th day of December, 2008.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE